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19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA  
21 WESTERN DIVISION

22 CENTOCOR ORTHO BIOTECH, INC.,

23 Plaintiff,

24 v.

25 GENENTECH, INC., and CITY OF  
26 HOPE,

27 Defendants.

28 GENENTECH, INC. AND CITY OF  
29 HOPE,

30 Counter-Plaintiffs,

31 v.

32 CENTOCOR ORTHO BIOTECH, INC.,

33 Counter-Defendant,

34 AND

35 GLOBAL PHARMACEUTICAL  
36 SUPPLY GROUP, LLC, CENTOCOR  
37 BIOLOGICS, LLC, AND JOM  
38 PHARMACEUTICAL SERVICES, INC.,

39 Third-Party Defendants.

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49 CITY OF HOPE

50 Lodged Proposed  
51 Order

52 BY N  
53 CLERK'S DISTRICT COURT  
54 CENTRAL DISTRICT OF CALIFORNIA  
55 LOS ANGELES  
56 FILED  
57 2010 MAY -5 PM 4:59  
58

59 Case No. CV 08-03573 MRP (JEMx)

60 APPLICATION TO FILE UNDER SEAL  
61 DOCUMENTS IN SUPPORT OF  
62 GENENTECH, INC. AND CITY OF  
63 HOPE'S OPPOSITION TO  
64 PLAINTIFF'S *EX PARTE*  
65 APPLICATION TO COMPEL  
66 DISCLOSURE OF INAPPROPRIATELY  
67 WITHHELD INFORMATION

68 Date: TBA  
69 Time: TBA  
70 Judge: Hon. Mariana R. Pfaelzer  
71 Ctrm: 12

72 APPL. TO FILE UNDER SEAL DOCS. ISO DEFS.' OPP'N TO PL.'S *EX PARTE* APPL.  
73 TO COMPEL DISCLOSURE / Case No. CV 08-03573 MRP (JEMx)

74 ORIGINAL

1 PLEASE TAKE NOTICE that pursuant to Local Rule 79-5.1, Defendant and  
2 Counter-Plaintiff Genentech, Inc. seeks leave to file the following documents under seal:

3 1. Defendants Genentech, Inc. and City of Hope's Opposition to Plaintiff's *Ex  
4 Parte* Application to Compel Disclosure of Inappropriately Withheld Information; and

5 2. Exhibit A to Declaration of Aaron M. Nathan in Support of Defendants  
6 Genentech, Inc. and City of Hope's Opposition to Plaintiff's *Ex Parte* Application to  
7 Compel Disclosure of Inappropriately Withheld Information ("Nathan Declaration");  
8 Genentech's privilege logs from the *MedImmune* litigation as produced herein;

9 3. Exhibit B to Nathan Declaration: City of Hope's privilege log from the  
10 *MedImmune* litigation as produced herein;

11 4. Exhibit C to Nathan Declaration: Defendants' supplemental privilege log of  
12 August 7, 2009;

13 5. Exhibit D to Nathan Declaration: Defendants' supplemental privilege log of  
14 May 4, 2010;

15 6. Exhibit E to Nathan Declaration: Excerpts from the April 9, 2010 deposition  
16 transcript of Shmuel Cabilly taken herein, designated "Confidential Pursuant to Protective  
17 Order"; and

18 7. Exhibit J to Nathan Declaration: Genentech's response to Centocor's  
19 Interrogatory No. 4, excerpted from Genentech's Responses and Objections to Centocor,  
20 Inc.'s First Set of Interrogatories, designated "Highly Confidential - Outside Counsel Eyes  
21 Only."

22 The documents sought to be filed under seal contain Confidential information  
23 pursuant to the protective order. Therefore, Genentech seeks a Court order to seal these  
24 documents.

25 For the foregoing reasons, Genentech and City of Hope respectfully request that  
26 the Court grant this application and order that (1) Defendants Genentech, Inc. and City of  
27 Hope's Opposition to Plaintiff's *Ex Parte* Application to Compel Disclosure of

1 Inappropriately Withheld Information and (2) Exhibits A, B, C, D, E and J to the  
2 Declaration of Aaron M. Nathan in Support of Defendants Genentech, Inc. and City of  
3 Hope's Opposition to Plaintiff's *Ex Parte* Application to Compel Disclosure of  
4 Inappropriately Withheld Information be filed under seal.

5 Genentech and City of Hope are filing, concurrent with this Application, a  
6 proposed order sealing the above-referenced documents.

7  
8 Dated: May 5, 2010

By: /s/ Daralyn J. Durie

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1 **CERTIFICATE OF SERVICE**

2 I certify that all counsel of record are being served on May 5, 2010 with a  
3 copy of this document via the Court's CM/ECF system.

4 Bruce G. Chapman, Esq. bchapman@cblh.com  
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12 I declare under penalty of perjury under the laws of the United States of  
13 America that the foregoing is true and correct. Executed on May 5, 2010, at San  
14 Francisco, California.

16 *Margaret Ann Franz*  
17 Margaret Ann Franz